

United News of Bangladesh
Harun ur Rashid
7 November 2008

Barrister Harun ur Rashid is the former Bangladeshi ambassador to the U.N.

While the right to humanitarian intervention may be seen in most of the developed world as justified because of gross abuse of human rights or ethnic cleansing, many developing countries argue that sovereignty is violated by such interventions.

The right to intervene is perceived as aggressive violating the sovereignty of states and a new term has been adopted replacing the right of intervention in international law. It is called "**responsibility to protect**."

The core idea is that sovereign states would retain the primary **responsibility to protect** their own people from mass atrocity crimes. But if they manifestly fail to do, either incapacity or ill will, the international community has a collective responsibility to take appropriate action. That need may not be military; the emphasis is on prevention and assistance for states in need, with any further response being by the least coercive and intrusive effective means possible. Military force may be needed, but only in extreme and exceptional cases like Rwanda and Kosovo, with the UN approval. The responsibility to protect concept was originally proposed by a Canadian-sponsored international commission in 2001. And it took only four years for the concept to be adopted, without dissent, by the UN General Assembly, meeting at the heads of government level at the 2005 World Summit.

It is one thing to have a new norm of international law, but quite another for it to be genuinely universally accepted. It is another thing for it to be effectively applied in practice. Some progress has certainly been made. The international community's immediate response to the post-election ethnic violence in Kenya at the beginning of this year-and by diplomatic rather than military means-has been an excellent example of the concept at work in stark contrast to the indifference that was demonstrated the Rwandan genocide in 1994. While the Darfur situation in Sudan has been deemed a case of responsibility to protect the non-Arabs, international response so far has been ineffective. There are two reasons for such apathy or inaction. One is the continuing war in Iraq and Afghanistan and the other is that Africans should be involved in settling their problems.

Three big challenges remain for the new concept at work: first, the conceptual framework including its scope and limit must be understood. This is important so that the concept is not seen as either too broad to be misused or too narrowly focussed to allow genocide to go on. Second, the use of diplomatic means must be in play to resolve the situation and third, when preventive or reactive action is necessary, it must achieve the goal without disproportionate use of force. ()

Dictators must be aware that the days of non-accountability are over. Human rights are not a matter of domestic concern. They are elevated to a matter of international concern and

international community should ensure that those rulers who abuse grossly human rights or fails to protect their own people from genocide or crimes against humanity must be put on trial for justice.

There was a joke at the UN corridors that if a persons kills an individual, he goes to gallows or sentenced to life imprisonment, if a person kills twenty individuals he goes to mental asylum and if a person kills hundreds of thousands of people, he comes to Geneva for peace talks. Hopefully the joke must not be translated into action given the norm "**responsibility to protect**" under international humanitarian law

Source: Unavailable